

Application No. 10/532,583
Amendment Dated 3/12/2007
Reply to Office Action of 12/12/06

REMARKS/ARGUMENTS

By this Amendment, claims 23 and 24 are amended and claims 31-32 are added. Claims 16-18 and 23-30 have been withdrawn from consideration pursuant to a restriction requirement. Claims 16-32 are pending.

Favorable reconsideration is respectfully requested in view of the foregoing amendments and the following remarks.

Restriction Requirement

Applicants hereby affirm their prior election with traverse of Group II, claims 19-22, reserving their rights under 35 USC § 121 to file a divisional application for the nonelected claims.

As noted in the Office Action, unity of invention practice applies to this national phase application. As noted in MPEP 1850:

[T]he requirement of unity of invention referred to in [PCT] Rule 13.1 shall be fulfilled only when there is a technical relationship among those inventions involving one or more of the same or corresponding special technical features. The expression "special technical features" shall mean those technical features that define a contribution which each of the claimed inventions, considered as a whole, makes over the prior art.

The Office Action asserts that there are no special technical features shared by the claims because "the claims in Group II lack novelty and/or inventive step over the prior" art.

Claims 23 and 24 are amended to link method claims 23-30 with elected product claims 19-22. Thus, all of claims 20-32 ultimately depend from base claim 19, and therefore include all the features of claim 19. The features of base claim 19 are special technical features for the reasons discussed below with respect to the art-related rejection, and claims 19-32 possess unity of invention such that they should be examined together.

Accordingly, reconsideration and withdrawal of the restriction requirement are respectfully requested.

Rejection under 35 U.S.C. § 102

Claims 19-22 stand rejected as allegedly being anticipated under 35 U.S.C. § 102(e) by U.S. Patent No. 6,462,100 to Thunhorst et al. This rejection is respectfully traversed.

Thunhorst et al. teaches foam compositions that contain functionalized metal oxide nanoparticles (column 1, lines 19-21). All of the Examples teach the preparation of functionalized silica nanoparticles by reacting colloidal silica particles with methacryloxypropyltrimethoxy silane and isoctyl trimethoxy silane, and then in a subsequent step, reacting the particles with hexamethyldisilazane in a medium comprising water and ethanol. This derivatized silica product was filtered and dried. Subsequently, this dried olefinic nanosilica was mixed with isoctyl acrylate and the mixture was sonicated to yield a clear solution. Further, this solution was photo-polymerized in a mold. According to claim 8, the foam of claim 1 may be used as a wound dressing.

However, the subject of present claim 19 is a composite material, comprising a wound dressing and a coating composition or an anti-adhesive layer. The only disclosure of a wound dressing by Thunhorst et al. is in claim 8, which specifies that the cross-linked foam article of claim 1 can be used as a wound dressing. There is no disclosure in Thunhorst et al. of a composite material containing a wound dressing, as required by base claim 19. The substrate materials described at column 6, lines 30-40, are not identified as wound dressings, and do not therefore remedy the failure of Thunhorst et al. to disclose a composite material comprising a wound dressing and a coating composition or an anti-adhesive layer.

Furthermore, the liquid solution prepared in the first step of the Examples and referred to in the Office Action is neither a wound dressing nor a coating composition for a wound dressing but rather an intermediate of the final polymerized foam product.

Accordingly, Thunhorst et al. fails to identically disclose all the features of the claimed invention, and the anticipation rejection should be withdrawn. Reconsideration and withdrawal of the anticipation rejection are respectfully requested.

Method Steps not in Thunhorst et al.

New product-by-process claims 31-32 and withdrawn method claims 23-30 all require steps not disclosed by Thunhorst et al.

Thunhorst et al. teach the use of preformed nanoparticles, which are subsequently reacted with the nanoparticles, whereas in the method of the present invention the nanogel is formed *in situ* by hydrolysis of tetralkoxysilanes in the presence of a further reactive hydrophobic silane

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compound. A person skilled in the art would therefore expect the structure of the nanogel of the invention to differ from the structure of the substance of Thunhorst et al.

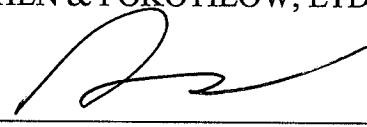
For at least the reasons set forth above, it is respectfully submitted that the above-identified application is in condition for allowance. Favorable reconsideration and prompt allowance of the claims are respectfully requested.

Should the Examiner believe that anything further is desirable in order to place the application in even better condition for allowance, the Examiner is invited to contact Applicants' undersigned attorney at the telephone number listed below.

Respectfully submitted,

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